Shetland Islands Council

Shetland Islands Area Licensing Board Data Protection Privacy Statement

Who we are?

Shetland Islands Area Licensing Board is established under the Licensing (Scotland) Act 2005. Its office headquarters is located at 8 North Ness Business Park, Lerwick, Shetland, ZE1 0LZ, United Kingdom.

You can the Data Protection Officer by post at this address, by e-mail at: dataprotection@shetland.gov.uk and by telephone on (01595) 744 550.

Why do we need your personal information and what do we do with it?

You are giving us your personal information to allow the Shetland Islands Licensing Board to administer and determine applications made under the Licensing (Scotland) Act 2005. We may also use your information to issue and manage licences, maintain the statutory licensing register, consult relevant persons and organisations, arrange hearings, deal with objections, representations and review proposals, monitor compliance and carry out related licensing functions.

We also use your information to verify your identity where required, contact you by post, email or telephone and to maintain our records.

Legal basis for using your information

We provide these services as part of the statutory functions exercised by the Shetland Islands Licensing Board. You can find more details of the Board's role on our website. Processing your personal information is necessary for compliance with a legal obligation to which the Council is subject and for the performance of a task carried out in the public interest or in the exercise of official authority.

If you do not provide us with the information we have asked for then we may be unable to process or determine your application or provide the related licensing service.

We may also need to process more sensitive personal information about you for reasons of substantial public interest as set out in the Data Protection Act 2018. It is necessary for us to process it to carry out statutory and regulatory functions. We may process personal information about criminal convictions and offences where this is necessary for the same statutory and regulatory purposes and is authorised by law.

Where we are relying on a task carried out in the public interest or legal obligation as the lawful basis for processing, we rely on various pieces of legislation. Some of the key legislation and standards we use are detailed below:-

Licensing (Scotland) Act 2005; Licensing Register (Scotland) Regulations 2007; Personal Licence (Scotland) Regulations 2007; Occasional Licence (Scotland) Regulations 2007; Premises Licence (Scotland) Regulations 2007; Licensing (Procedure) (Scotland) Regulations 2007; and other regulations and statutory guidance made under the Licensing (Scotland) Act 2005.

What personal data we hold, and how we obtain it?

The types of personal data we hold and process about you can include:

Your name, title, previous names, date and place of birth, home and correspondence addresses, telephone numbers, email address, photograph and signature, details of relevant or foreign offences, convictions, penalties, endorsements and information received from Police Scotland; correspondence, supporting documents and information provided during the application and licence-management process; and objections, representations, complaints or review information where relevant. We obtain this information from you, your agent or representative, other persons named in or responding to an application, Police Scotland, statutory consultees and other public or regulatory bodies where authorised by law.

All personal data is held within a secure information management system.

Who do we share your information with?

We are legally obliged to safeguard public funds so we are required to verify and check your details internally for fraud prevention. We may share this information with other public bodes (and also receive information from these other bodies) for fraud checking purposes.

We are also legally obliged to share certain data with other public bodies, such as HMRC and will do so where the law requires this. We will also generally comply with request for specific information from other regulatory and law enforcement bodies where this is necessary and appropriate.

Your information is also analysed internally and externally to help us improve our services and to comply with legislations. We provide an internal audit service because the law states we must do so. The law also states we must be audited externally. The external auditors are appointed by Audit Scotland. Our internal audit team and the external auditors may process any personal information held within the Council for its contractors and partners) in order to assess and provide assurances on the arrangements for governance, risk management and internal control within the service area. External audit will also ensure that the financial position stated in the annual accounts give a true and fair view in accordance with the law and codes of practice.

Depending on the type of application and the statutory procedure that applies, we may share relevant information with Police Scotland, the Council's Licensing Standards Officer, Planning Service, Building Standards Service, Environmental Health Service and other relevant Council services, the Scottish Fire and Rescue Service, NHS Shetland, community councils, persons with a notifiable interest in neighbouring land, other Licensing Boards, courts and tribunals, and other statutory consultees or regulatory bodies. Information may also be shared with applicants, licence holders, objectors, representers or persons seeking a review where required for the statutory process and procedural fairness. Licensing is a public regulatory function. Information required by law may be published in application notices, the statutory licensing register, Licensing Board agendas, reports, minutes and decisions, and may be disclosed at public Licensing Board meetings or hearings.

Will we send your information outwith the UK?

We do not transfer your information outwith the UK. If it becomes necessary to do so, we would ensure that the appropriate safeguards are in place.

How long do we keep your information for?

We only keep your personal information for the minimum amount of time necessary. Sometimes this time period is set out in the law, but in most cases it is based on the business need. We maintain a records retention and disposal schedule which sets out how long we hold different types of information for. You can view this on our website at http://www.shetland.gov.uk/information-rights/InformationManagement.asp or you can request a hard copy from the address above.

Your rights under data protection law

Access to your information

You have the right to request a copy of the personal information that we hold about you.

Correcting your information

We want to make sure that your personal information is accurate, complete and up to date. Therefore you may ask us to correct any personal information about you that you believe does not meet these standards.

Deletion of your information

You have the right to ask us to delete personal information about you where:

- you think that we no longer need to hold the information for the purposes for which it was originally obtained
- you have a genuine objection to our use of your personal information – see *Objecting to how we may use your information* below
- our use of your personal information is contrary to law or our other legal obligations.

Objecting to how we may use your information

You have the right at any time to tell us to stop using your personal information for direct marketing purposes.

Restricting how we may use your information

In some cases, you may ask us to restrict how we use your personal information. This right might apply, for example, where we are checking the accuracy of personal information that we hold about you or we are assessing the objection you have made to our use of your information.

This right might also apply if we no longer have a basis for using your personal information but you don't want us to delete the data. Where this right is realistically applied will mean that we may only use the relevant personal information with your consent, for legal claims or where there are other public interest grounds to do so.

Please contact us as stated above if you wish to exercise any of these rights.

Information you have given us about other people

If you have provided anyone else's details to the Board, including details of connected persons, a premises manager, an agent, a person endorsing a photograph or another person connected with your application, please make sure that you have told them that you have given their information to Shetland Islands Area Licensing Board. We will use their information for the licensing purposes described in this privacy statement.

If they want any more information on how we will use their information they can visit our web site at http://www.shetland.gov.uk/information-rights/DataProtection.asp
or email dataprotection@shetland.gov.uk.

Complaints

We aim to directly resolve all complaints about how we handle personal information. If your complaint is about how we have handled your personal information, you can contact the Council's Data Protection Officer by E-mail at dataprotection@shetland.gov.uk or by Phone on (01595) 744 550.

However, you also have the right to lodge a complaint with the Information Commissioner's Office, who can be contacted by post at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF

Phone: 0303 123 1113 (local rate) or 01625 545 745.

Visit their website for more information at- https://ico.org.uk/concerns

Please note if your complaint is not about a data protection matter or does not concern the handling of personal information, please contact us using the Council's Complaints Handling Procedure.